S.B.CRIMINAL MISC. BAIL APPLICATION NO. 5672/2007
(Mangla Ram and Anr. Vs. State of Rajasthan)

DATE OF ORDER : 27/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. Suresh Kumbhat for the petitioners.
Mr. Ashok Upadhayay, Public Prosecutor for State.

Heard learned counsel for the petitioners and Public Prosecutor for the State. Perused the order impugned and police investigation diary.

It is contended by learned counsel for the petitioners that there is a cross case against the complainant party.

On careful perusal of the police investigation diary, it appears that injured Bheru Singh suffered as many as 11 injuries, one of which is grievous in nature. The allegation against the present petitioner No.1 Mangla Ram is specific and in the circumstances therefore, I do not think it fit case to grant anticipatory bail to petitioner No.1 Mangla Ram. The bail application filed by petitioner No.1 Mangla Ram under Section 438 Cr.P.C. is therefore, dismissed.

However, having regard to the facts and circumstances of the case and the fact that no specific overt act has been assigned to petitioner No.2 Chaina Ram, having considered the oral arguments advanced by both the parties, I consider it just and proper to allow the bail application filed by the petitioner No.2 Chaina Ram under Section 438 Cr.P.C.

Accordingly, the bail application filed by the petitioner No.2 u/s 438 Cr.P.C. is allowed and it is directed that in the event of arrest of petitioner Chaina Ram S/o Shri Kalu Ram in CR No. 125/2007 P.S. Shivpura, district Pali, he shall be released on bail for a period till the police concludes the

investigation and files the challan provided he furnishes a personal bond in the sum of Rs.10,000/- alongwith one surety of like amount to the satisfaction of Investigating Officer to surrender and appear before the trial court on the date of filing of the challan after conclusion of the investigation on the following conditions:-

(i)That he shall make himself available for interrogation by a police officer as and when required;

(ii)That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;

(iii)That he shall not leave India without the previous permission of the Court.

The petitioner No.2 shall surrender before the trial court on the date of filing of the challan and move a regular bail.

(H.R.PANWAR), J.

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